

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

Vs.

ROGER HARRY OLSON II

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FILED  
FEB 2 2024  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy  
CASE NO. 3:15-CR-00029-N  
KR

DEFENDANT'S MOTION FOR REDUCTION IN SENTENCE AND APPOINTMENT OF COUNSEL

Comes Now, Roger Harry Olson II (Petitioner), proceeding Pro Se, to request a Reduction In Sentence pursuant to 18 USC § 3582(c)(1)(A), which, as amended by the First Step Act of 2018, allows a district court to reduce a defendant's sentence upon motion of the defendant after considering the factors set forth in 18 USC § 3553(a) and any policy statement issued by the United States Sentencing Commission. Herein, Petitioner presents that he should be granted a reduction based upon Extraordinary and Compelling Reasons of 1) an Unusually Long Sentence (USSG § 1B1.13(b)(6)) and 2) Extensive Rehabilitation (USSG § 1B1.13(d)), which when considered in combination with each other, this Court should find warrants Compassionate Release.

Support Follows:

LEGAL STANDARD

18 USC § 3582(c)(1)(A) now allows for defendant filed motions requesting a reduction in sentence. The statute sets forth three criteria for a district court to consider in order for a defendant to succeed in his endeavor - 1) for Extraordinary and Compelling Reasons to exist; 2) that any reduction be consistent with the Sentencing Factors as described in 18 USC § 3553(a); and 3) for the requested reduction to be out-lined by the "applicable" policy statement issued by the Sentencing Commission - see Id.

In addition to the criteria outlined above, the statute contains a mandatory claims processing rule that the defendant submit a request to the Warden of his prison, and "upon the lapse of 30 days" may then submit his claim to his District Court - Id. In satisfaction of this, Petitioner presents his request submitted to Warden Jenkins of USP Atlanta on the very issue he now presents herein (see Exhibit 1). If the Court would note, more than 30 days have lapsed since Petitioner submitted his request to Warden Jenkins. As such, this Court should find that it is free to move on the merits of Petitioner's request.

I. EXTRAORDINARY AND COMPELLING REASONS

A) Unusually Long Sentence

Petitioner was sentenced under 2 violations of 21 USC § 841 and enhanced via § 851 to a total aggregate of 180 months incarceration. As part of the passage of the First Step Act, Congress included Section 401, which redefined what can qualify as a predicate offense for a § 851 enhancement. Section 851 now states, due to the changes made, that a "serious drug offense" requires that the relevant sentence have been longer than 12 months of incarceration and that the offense have been committed less than 15 years before the instant sentencing - See FSA of 2018 § 401; see also 21 USC § 802(57)(A) & (B).

This Court enhanced Petitioner with a § 851 due to his State of California conviction in Case No. SCD193566 entered 8 December, 2005 (see Exhibit 2). This was a violation of California Health and Safety Code 11378 (Count 2) for which he was sentenced to two years (see Exhibit 3). The State of California requires a defendant to serve fifty percent of a sentence imposed less pre-trial custody credits; Petitioner was awarded 132 total days pre-trial custody credits on 4 April, 2006 (see Exhibit 4). Add to this the fact that since his conviction on the instant offense, Count 3 of SCD193566 has been reduced to a misdemeanor by California Proposition 47 (see Exhibit 5); the total time served is well below the 12 months and 1 day now required to qualify as a predicate "serious drug offense." This Court should now find that Petitioner is currently serving a sentence wherein "a change in the law ... where such change would produce a gross disparity between the sentence being served and the sentence likely to be imposed [now]" - USSG § 1B1.13(b)(6). Petitioner asserts that were he sentenced today, he would face only a 90 month sentence, rather than the 180 months sentence currently imposed.

B) Rehabilitation Of The Defendant

In his efforts to better himself and prepare for a successful reentry into society, Petitioner has taken a number of self improvement classes, including fitness and nutrition, informing himself on the impacts of climate change, how to manage his personal finances through the Money Smart program, Spanish language studies and the "Wise Credit" courses. He has also taken many courses that are specifically designed to provide job skills which will assist in obtaining employment: the ServSafe Manager Certification program through the National Restaurant Association (a "real world" recognized certification), the corresponding Culinary Arts I & II Professional Cooking curriculum and Restaurant Management Certificate. All which prepares him for a productive career in the

Restaurant/Hospitality Industry.

In addition to these courses, Petitioner has completed both the standard Drug Education and the Non-Residential Drug Abuse Program offered by the Bureau Of Prisons. Petitioner is currently enrolled in the Residential Drug Abuse Program; a nine month program, set in an intensive therapeutic community, focused on the individual as a whole person with overalll lifestyle change needs, not simply abstinence from drug use. He is also staying clean from drug abuse through the MAT (Medically Assisted Treatment) program at the Institution, which provides for scientifically tested anti-relapse treatment (as ordered by the First Step Act of 2018 - see § 607(a)). For over fourteen months, the Petitioner has been prescribed and injected with a non-narcotic medication named Vivitrol/Naltrexone; an opioid blocker used to treat opioid use disorder. This therapy will continue during his time remaining in the BOP and into community supervision in combination with his RDAP aftercare.

Throughout the years incarcerated in the Bureau Of Prisons, the Petitioner has continually held employment in various departments: Food Service Administrator Clerk, Education Clerk, VT Culinary Arts Clerk as well as hourly positions in the leisure library and recreation (see Exhibit 6).

As such, this Court should find that the Petitioner has completed an extraordinary amount of rehabilitative activity in his time incarcerated and find, accordingly, that this Reason, in combination with his other Reason, constitutes a showing of "Extraordinary and Compelling Reason[s]" to GRANT a Reduction In Sentence as spelled out in both 18 USC § 3582(c)(1)(A) and as defined by the Sentencing Commission's mandated exclusive authority (by 28 USC § 944(a)(2)) to define what constitutes such - see USSG § 1B1.13(b)(6) & (d).

## II. 3553(a) FACTORS

This Court must also consider the Factors set forth in 18 USC § 3553(a) "to the extent that they are applicable" - 18 USC § 3582(c)(1)(A).

Those Factors are:

1) "the nature and circumstances of the offense"

and

"the history and characteristics of the Defendant"

This Factor advocates strongly in favor of a reduction due to the fact that here, the base offense would have only subjected the Petitioner to a 90 month sentence, but his now inapplicable § 851 enhancement literally doubled his range and sentence to the imposed 180 months. As such, the "nature and circumstances of

the offense" advocates for a sentence 90 months below the one imposed.

As for the second portion, "history and characteristics of the Defendant," the triggering predicate for the § 851 enhancement no longer qualifies. The Petitioner's criminal history contains no other convictions that would qualify, either then or currently, for a § 851 Enhancement. This Court should find that his history no longer supports a 180 month sentence; the change in threshold determination for "serious drug felony" as previously discussed and included by reference here.

The Petitioner has a non-violent criminal history, thus is not a danger to the safety of any other person or to the community. The Petitioner has strong ties in his anticipated release community as he will live with his octagenarian parents. Another characteristic in the Petitioner's favor is his "Low Recidivism Rate" as indicated by his PATTERN score (see Exhibit 6). Also, the previously discussed rehabilitation efforts of the Petitioner should inform this Court's analysis of this Factor, bringing the Court to a conclusion that this Factor weighs strongly in his favor.

2) "the need for the sentence imposed to provide just punishment and deterrence"

This Factor also weighs heavily in Petitioner's favor, as the new Guidelines Sentence that he is exposed to is actually lower than the sentence that he has served to date. This means that continued incarceration actually serves to imbue disrespect for the law in the eyes of others who may be contemplating the same offense and the general public as well. His new guidelines advocate for a 90 month sentence, and thusly has he now "overserved" what he should have after the relevant changes in both fact and law. Accordingly, even the Government should support a reduction here and this Court should find that this Factor supports such a reduction.

3) "the kinds of sentences available"

This Factor also supports a reduction, as Petitioner can easily continue his treatment and rehabilitation while on supervised release. Supervised release is even specifically contemplated in the text of § 3582(c) as appropriate in any reduction scenario. As such, Supervised Release is "available" as a less-restrictive alternative to continued incarceration - and this Court should find that this Factor advocates a reduction accordingly.

4) The Sentencing Guidelines Range

This Factor, cited generally here, supports a reduction probably more strongly than any other, as Petitioner's new Guideline Range is 90 months, less than he has

currently served and exactly half of what he was sentenced to. As such, this Court should find that a reduction is appropriate in the instant case.

5) "any pertinent policy statement"

and

6) "the need to avoid unwarranted sentencing disparities among Defendants"

These two Factors also provide strong support for a reduction here as the Sentencing commission has squarely spelled out Petitioner's exact situation in USSG § 1B1.13(b)(6) & (d) - an "Unusually Long Sentence" that has produced a gross disparity between the sentence being served and the sentence likely to be imposed at the time the motion is being filed" USSG § 1B1.13(b)(6); and the current sentence has produced a serious disparity among similarly situated Defendants due to the fact that anyone new sentenced with the same record as Petitioner's will necessarily face only half the time of incarceration that he received due to the very changes he cites now for Extraordinary and Compelling Reason[s]. The petitioner has now served over nine years incarcerated on the instant offense. Although this does not meet the letter of the pertinent policy statement, the Fifth Circuit Court of Appeals noted that while the Sentencing Commission's policy statement is a "key factor" in determining whether to grant a reduction, it is not a mandatory requirement and district courts have discretion in considering all relevant factors. As such, this Court should find that Petitioner has met his burden concerning the relevant Sentencing Factors; Petitioner declines to cover the final Factor as his crime did not have any restitution payment ordered at sentencing.

### III. POLICY STATEMENTS

The relevant Sentencing Commission Policy Statement is found at USSG § 1B1.13(b)(6) and USSG § 1B1.13(d). Petitioner presents now that he has already covered this Policy Statement extensively herein and therefor should not need to reiterate his argument now, as doing so would be repetitive and a waste of judicial resources - he merely reincorporates them here by reference. As previously stated, therefor, this Court should find that the applicable policy statement fully supports a Reduction In Sentence in the instant case.

### IV. APPOINTMENT OF COUNSEL

Petitioner respectfully requests appointment of counsel for the instant proceedings. He fully recognizes that appointment is not a right for post-conviction motions, but he asserts now that he has provided a Prima Facie case that he deserves the relief requested herein and that therefore appointment is warranted

in the interest of justice (18 USC § 3006 et seq.) in order to bring adequate resources to bear in the adjudication of the instant Motion.

CONCLUSION

For the foregoing Reasons, this Court should GRANT a Reduction In Sentence to Time Served, with a corresponding Order for appropriate Supervised Release with conditions to be determined by the Court, or any relief this Court deems fit to provide. I, Roger Harry Olson II, hereby swear under penalty of perjury that the foregoing is both true and accurate, to the best of my knowledge.

Respectfully Submitted,



Roger Harry Olson II #49151-177

CERTIFICATE OF SERVICE

I, Roger Harry Olson II, hereby swear under penalty of perjury that the foregoing was placed in the hands of the FCI Safford Legal Mail Representative on 01/24/2024 and ask the Clerk Of Court to provide notice to the Government and its local U.S. Attorneys' Office via the Courts' CM/ECF system of same.

Respectfully Submitted,



Roger Harry Olson II #49151-177

# Exhibit 1

BP-A0148  
JUNE 10

## INMATE REQUEST TO STAFF CDFRM

U. S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Warden Jenkins	DATE: 1 June, 2023
FROM: Roger Olson II	REGISTER NO.: #49151-177
WORK ASSIGNMENT: Education	UNIT: B3 #614L

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.

Warden Jenkins, I am requesting Compassionate Release based on changes made by the First Step Act of 2018; Congress included §401, which redefined what can qualify as a predicate offense for a §851 Enhancement. Section 401 now states that a "serious drug offense" requires the relevant sentence have been longer than 12 months incarceration. The U.S. District Court enhanced my case with a §851 Enhancement due to a California conviction in case #SCD193566; the relevant sentence served was well below the 12 months and 1 day now required to qualify as a predicate "serious drug offense." If sentenced today without the §851 Enhancement, I would be exposed to a significantly lower penalty and have now been incarcerated longer than necessary. Please review United States Sentencing Guideline §1B1.13(b)(6); First Step Act §401; United States Vs. Roger Olson II, Northern District Of Texas, Dallas Division Case #3:15-CR-00029-N.

Thank you for your attention to this matter and timely response.

Sincerely,



(Do not write below this line)

DISPOSITION:

Signature Staff Member

Date

Record Copy - File; Copy - Inmate

PDF

Prescribed by P5511

This form replaces BP-148.070 dated Oct 86  
and BP-S148.070 APR 94

# Exhibit 2

Case 3:15-cr-00029-N Document 41 Filed 08/31/15 Page 1 of 2 PageID 372

Case 3:15-cr-00029-N Document 41 Filed 08/31/15 Page 2 of 2 PageID 373

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

NO. 3:15-CR-0029-N

v.  
ROGER HARRY OLSON, II

PENALTY ENHANCEMENT INFORMATION  
AND NOTICE OF INTENTION TO SEEK ENHANCED PENALTY

The United States Attorney charges:

1. Before committing the offense alleged in Count One of the indictment returned on January 21, 2015, Roger Harry Olson, II, was convicted of the following predicate drug offense:

Possession for Sale of a Controlled Substance, to wit: Gamma Hydroxybutyric (GHB) and Possession of a Controlled Substance, to wit: Methamphetamine, in cause number C0192566, in the Superior Court of California, County of San Diego, offense concluded on or about September 6, 2005, judgment entered December 8, 2005.

2. The conviction alleged in paragraph one became final before Olson committed the offense alleged in Count One of the indictment.

3. Pursuant to 21 U.S.C. §851(b)(1), the government hereby informs that it will use this prior felony drug conviction to seek enhanced penalties provided for in 21 U.S.C.

§841(b)(1)(B) upon Olson's conviction for the drug offense alleged in Count One of the

indictment, that is, Possession with Intent to Distribute a Controlled Substance, to wit: 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers.

Respectfully submitted,

JOHN R. PARKER  
UNITED STATES ATTORNEY

*(s/Lara L. Burns*  
LARA L. BURNS  
Special Assistant United States Attorney  
Louisiana State Bar Roll No. 24987  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214.659.8600  
Facsimile: 214.659.8812  
Email: [Lara.Burns@usdoj.gov](mailto:Lara.Burns@usdoj.gov)

CERTIFICATE

I hereby certify that on August 31, 2015, I provided a copy of this document to defendant's counsel, Joseph Mongeras.  
*(s/Lara L. Burns*  
LARA L. BURNS  
Special Assistant United States Attorney

# Exhibit 3

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE  
(NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED)

CR-290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: SAN DIEGO				<div style="text-align: center;"> <span style="font-size: 2em;">F</span> <span style="font-size: 1.5em;">I</span> <span style="font-size: 1.5em;">L</span> <span style="font-size: 1.5em;">E</span> <span style="font-size: 2em;">D</span>  Clerk of the Superior Court  FEB - 5 2007  By: <u>R. SCHACH</u> Deputy </div>		
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: OLSON, ROGER AKA: OLSON, ROGER HARRY		DOB: 09-17-72	SCD193566			-A
CII NO.: BOOKING NO.: 0414046A		<input type="checkbox"/> NOT PRESENT				-B
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT		<input checked="" type="checkbox"/> AMENDED ABSTRACT				-C
DATE OF HEARING 12-08-05	DEPT. NO. 30	JUDGE CHARLES G. ROGERS				
CLERK R. SCHACH	REPORTER T. ERVIN	PROBATION NO. OR PROBATION OFFICER <input checked="" type="checkbox"/> IMMEDIATE SENTENCING				
COUNSEL FOR PEOPLE C. PHILLIPS		COUNSEL FOR DEFENDANT D. GREENE <input type="checkbox"/> APPTD.				

1. Defendant was convicted of the commission of the following felonies:

Additional counts are listed on attachment  
       (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY		TERM (I, M, U)	CONCURRENT	CONSECUTIVE 1st VIOLENT	CONSECUTIVE 1st NON-VIOLENT	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE	TIME IMPOSED OR 'S' IN MONTHS	EAT STAY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
						JURY	COMMIT	PLA								YRS.	MOS.
2	HS	11378	POSS FOR SALE OF CONT SUB	2005	12-08-05			X	M							2	0
3	HS	11377	POSS OF CONTROLLED SUB	2005	12-08-05			X					X			(0	8)
					- -												
					- -												
					- -												
					- -												
					- -												

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

COUNT	ENHANCEMENT	TIME IMPOSED OR 'S' FOR STAYED	ENHANCEMENT	TIME IMPOSED OR 'S' FOR STAYED	ENHANCEMENT	TIME IMPOSED OR 'S' FOR STAYED	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	TIME IMPOSED OR 'S' FOR STAYED	ENHANCEMENT	TIME IMPOSED OR 'S' FOR STAYED	ENHANCEMENT	TIME IMPOSED OR 'S' FOR STAYED	TOTAL

4.  Deft. sentenced per:  PC 667(b)-(i) or PC 1170.12 (two strikes)  PC 1170(a)(3). Pre-confinement credits equal or exceed time imposed. (Paper Commitment.) Deft. ordered to report to local Parole Office upon release.

5. INCOMPLETED SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES: \_\_\_\_\_

7.  Additional indeterminate term (see CR-292).

8. TOTAL TIME EXCLUDING COUNTY JAIL TERM: 2

8

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

Page 1 of 2

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: OLSON, ROGER			
SCD193566	-A	-B	-C
			-D

## 9. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

a. Restitution Fine(s):

Case A: \$200 per PC 1202.4(b) forthwith per PC 2085.5; \$200 per PC 1202.45 suspended unless parole is revoked.  
\$\_\_\_\_\_ per PC 1202.44 is now due, probation having been revoked.

Case B: \$\_\_\_\_\_ per PC 1202.4(b) forthwith per PC 2085.5; \$\_\_\_\_\_ per PC 1202.45 suspended unless parole is revoked.  
\$\_\_\_\_\_ per PC 1202.44 is now due, probation having been revoked.

Case C: \$\_\_\_\_\_ per PC 1202.4(b) forthwith per PC 2085.5; \$\_\_\_\_\_ per PC 1202.45 suspended unless parole is revoked.  
\$\_\_\_\_\_ per PC 1202.44 is now due, probation having been revoked.

Case D: \$\_\_\_\_\_ per PC 1202.4(b) forthwith per PC 2085.5; \$\_\_\_\_\_ per PC 1202.45 suspended unless parole is revoked.  
\$\_\_\_\_\_ per PC 1202.44 is now due, probation having been revoked.

b. Restitution per PC 1202.4(f):

Case A: \$\_\_\_\_\_  Amount to be determined to  victim(s)\*  Restitution Fund  
Case B: \$\_\_\_\_\_  Amount to be determined to  victim(s)\*  Restitution Fund  
Case C: \$\_\_\_\_\_  Amount to be determined to  victim(s)\*  Restitution Fund  
Case D: \$\_\_\_\_\_  Amount to be determined to  victim(s)\*  Restitution Fund

\* Victim name(s), if known, and amount breakdown in item 11, below.  \* Victim names(s) in probation officer's report.

c. Fine(s):

Case A: \$\_\_\_\_\_ per PC 1202.5. \$\_\_\_\_\_ per VC 23550 or \_\_\_\_\_ days  county jail  prison in lieu of fine  concurrent  consecutive  
 includes:  \$50 Lab Fee per HS 11372.5(a)  \$\_\_\_\_\_ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

Case B: \$\_\_\_\_\_ per PC 1202.5. \$\_\_\_\_\_ per VC 23550 or \_\_\_\_\_ days  county jail  prison in lieu of fine  concurrent  consecutive  
 includes:  \$50 Lab Fee per HS 11372.5(a)  \$\_\_\_\_\_ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

Case C: \$\_\_\_\_\_ per PC 1202.5. \$\_\_\_\_\_ per VC 23550 or \_\_\_\_\_ days  county jail  prison in lieu of fine  concurrent  consecutive  
 includes:  \$50 Lab Fee per HS 11372.5(a)  \$\_\_\_\_\_ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

Case D: \$\_\_\_\_\_ per PC 1202.5. \$\_\_\_\_\_ per VC 23550 or \_\_\_\_\_ days  county jail  prison in lieu of fine  concurrent  consecutive  
 includes:  \$50 Lab Fee per HS 11372.5(a)  \$\_\_\_\_\_ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

d. Court Security Fee: \$\_\_\_\_\_ per PC 1465.8.10. TESTING a.  Compliance with PC 296 verified b.  DNA per PC 296 c.  AIDS per PC 1202.1 d.  Other (specify):

## 11. Other orders (specify):

\$20 COURT SECURITY FEE;

## 12. IMMEDIATE SENTENCE:

Probation to prepare and submit Post-sentence report to CDCR per PC 1203c.

Defendant's race/national origin:

## 13. EXECUTION OF SENTENCE IMPOSED:

- a.  at initial sentencing hearing.
- b.  at resentencing per decision on appeal.
- c.  after revocation of probation.
- d.  at resentencing per recall of commitment. (PC1170(d).)
- e.  other (specify):

15. The defendant is remanded to the custody of the sheriff  forthwith  after 48 hours excluding Saturdays, Sundays, and holidays.  
To be delivered to  the reception center designated by the director of the California Department of Corrections and Rehabilitation.

other (specify):

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

R. SCHACH

CR-290 (Rev. January 1, 2007)

DATE

2-05-07

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE

Page 2 of 2

# Exhibit 4

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO**

DATE: April 4, 2006

DEPT: 30

REPORTER A: not reported

CSR#

PRESENT: HONORABLE TIMOTHY R. WALSH  
JUDGE

REPORTER B:

CSR#

CLERK: B. Lindahl

BAILIFF:

REPORTERS' ADDRESS: PO BOX 120128  
SAN DIEGO CA 92112-0128

SCD193566 02

Case Number

**THE PEOPLE OF THE STATE OF CALIFORNIA**

Plaintiff,

VS.

ABP093 02

DA Number

**ROGER HARRY OLSON**

Defendant.

CDC Number

**EX PARTE MINUTE ORDER**

The Court has received the probation officer's report dated 03-15-06 and filed 04-04-06. The report contains a calculation of the defendant's custody credits as follows:

88 Actual Days

44 PC 4019/2933.1 Credits

132 Total Days Custody Credits

The Court finds that the defendant is entitled to receive the credits stated above and amends the sentence imposed on 12-08-05 nunc pro tunc to that date. The Abstract of Judgment of that sentence which was prepared on 12-19-05 is also corrected by virtue of this minute order to reflect the above credits.



Date: April 04, 2006

HONORABLE TIMOTHY R. WALSH Judge of the Superior Court

Certified copy to:  
Department of Corrections



**CLERK'S CERTIFICATE**

The foregoing is a full, true and correct copy of the original on file in this office.

**MICHAEL M. RODDY  
CLERK OF THE SUPERIOR COURT**

Date: \_\_\_\_\_

By \_\_\_\_\_, Deputy

# Exhibit 5

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <input checked="" type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		<small>COURT USE ONLY</small> <b>FILED</b> <small>Clerk of the Superior Court</small> <b>FEB 18 2022</b> <b>By: G. Arce-Barraza, Deputy</b>
<b>PLAINTIFF</b> <b>PEOPLE OF THE STATE OF CALIFORNIA</b>		
<b>DEFENDANT</b> <b>Roger Olson</b>	<b>SUPERIOR COURT CASE NUMBER</b> <b>SCD193566</b>	
<b>MINUTES, RESPONSE, AND ORDER ON PETITION FOR RESENTENCING</b>		<b>DISTRICT ATTORNEY NUMBER</b> <b>ABP093</b>

**TO BE FILLED OUT BY THE COURT ONLY:**

Defendant has filed a petition for resentencing/reduction and alleges pursuant to Pen. Code § 1170.18

Defendant  has completed his/her sentence and petitions to have the felony count(s) designated as a misdemeanor(s). is still serving a sentence on the felony count(s) and petitions for resentencing.**TO BE FILLED OUT BY THE PROSECUTING AGENCY ONLY:**

The District Attorney responds:

The District Attorney agrees that the following counts are eligible for resentencing/reduction: CT 3 HS113777 (a) ONLY.  
 Defendant is not entitled to the relief requested.

Reason:  No counts eligible under Pen. Code § 1170.18 Defendant has at least one prior conviction for an offense under Pen. Code § 667(e)(2)(C)(iv) or for an offense requiring registration pursuant to Pen. Code § 290(c). A hearing should be held to determine  whether defendant poses an unreasonable risk of danger to public safety  other: Defendant has completed his/her sentence and is entitled to have the felony conviction(s) designated as a misdemeanor(s). Defendant is still serving his/her sentence and is entitled to resentencing.Date: Feb 1, 2022

**Harrison C. Kennedy** Digitally signed by Harrison C. Kennedy  
Date: 2022.02.01 10:17:47 -08'00'  
 Deputy District Attorney

*CT 3  
HS113777 (a)*

**COURT ORDER**

The Petition is denied.  
 The Petition is granted and the counts identified above are ordered designated as a misdemeanor conviction(s).  
 Formal probation is now ordered converted to Probation to the Court, Same Terms and Conditions.  
 The matter is ordered set for hearing or resentencing on \_\_\_\_\_, at 1:30 p.m. in Department \_\_\_\_\_ of the:  
 Central Courthouse, 1100 Union St., San Diego, CA 92101  
 North County Regional Center, 325 South Melrose Dr., Vista, CA 92081  
 East County Regional Center, 250 East Main St., El Cajon, CA 92020  
 South County Regional Center, 500 3rd Ave., Chula Vista, CA 91910

Resentencing does not permit a person to own, possess, or have in his or her custody or control any firearm (Pen. Code §1170.18(k)).

Date: 2-18-2022

*Maureen Hallahan*  
 Judge of the Superior Court  
**MAUREEN F. HALLAHAN**

**CLERK'S CERTIFICATE**

The foregoing document, consisting of \_\_\_\_\_ page(s), is a full, true, and correct copy of the  original  
 copy on file in this office.

Clerk of the Superior Court

Date: \_\_\_\_\_ by \_\_\_\_\_, Deputy

# Exhibit 6

**Individualized Needs Plan - Initial Classification (Inmate Copy)**

SEQUENCE: 01961113

Dept. of Justice / Federal Bureau of Prisons

TEAM DATE: 11-27-2023

Plan is for inmate: OLSON II, ROGER HARRY 49151-177

Facility: SAF SAFFORD FCI  
 Name: OLSON II, ROGER HARRY  
 Register No.: 49151-177  
 Age: 51  
 Date of Birth: 09-17-1972

Proj. Rel. Date: 03-02-2027  
 Proj. Rel. Mthd: FIRST STEP ACT RELEASE  
 DNA Status: SEA07156 / 07-20-2015

**Detainers**

Detaining Agency	Remarks
------------------	---------

NO DETAINER

**Pending Charges**

See PSI page 13.

**Current Work Assignments**

Facil	Assignment	Description	Start
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NO ASSIGNMENTS

**Current Education Information**

Facil	Assignment	Description	Start
SAF	ESL HAS	ENGLISH PROFICIENT	09-29-2016
SAF	GED HAS	COMPLETED GED OR HS DIPLOMA	09-29-2016

**Education Courses**

SubFacil	Action	Description	Start	Stop
ATL	C	S-SERVSAVE MANAGER CERT	01-11-2022	06-22-2022
ATL	C	MONEY SMART FSA	09-27-2022	11-28-2022
ATL	C	CLIMATE CHANGE	11-02-2021	12-01-2021
YAM	C	INFECTIOUS DISEASE	12-23-2019	12-23-2019
OAK	C	SHU KNOW YOUR CONSUMER	10-23-2019	10-30-2019
OAK	C	SHU JOB HUNTING BY TELEPHONE	10-10-2019	10-23-2019
OAK	C	SHU BE CREDIT WISE CREDIT	10-03-2019	10-10-2019
OAK	C	NUTRITION (RPP#1)	09-18-2018	09-18-2018
OAK	C	FITNESS TRAINER PREP (RPP#1)	08-07-2018	09-17-2018
ATL	C	ACE BASIC LAW	04-24-2017	06-15-2017
ATL	C	SPANISH(BEGINNING)	04-24-2017	06-14-2017
ATL	C	FOOD SERVICE SERVE SAFE CLASS	08-08-2016	09-07-2016
ATL	C	RPP1 AIDS & DISEASE PREVENTION	06-29-2016	06-29-2016

**Discipline History (Last 6 months)**

Hearing Date	Prohibited Acts
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\*\* NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS \*\*

**Current Care Assignments**

Assignment	Description	Start
CARE1	HEALTHY OR SIMPLE CHRONIC CARE	06-08-2016
CARE1-MH	CARE1-MENTAL HEALTH	05-31-2016

**Current Medical Duty Status Assignments**

Assignment	Description	Start
C19-T NEG	COVID-19 TEST-RESULTS NEGATIVE	08-19-2021
LOWER BUNK	LOWER BUNK REQUIRED	01-27-2023
NO PAPER	NO PAPER MEDICAL RECORD	05-30-2018
REG DUTY	NO MEDICAL RESTR-REGULAR DUTY	01-26-2017
YES F/S	CLEARED FOR FOOD SERVICE	01-26-2017

**Current Drug Assignments**

Assignment	Description	Start
DAP PART	RESIDENT DRUG TRMT PARTICIPANT	11-20-2023
ED COMP	DRUG EDUCATION COMPLETE	11-14-2017

**Individualized Needs Plan - Initial Classification (Inmate Copy)**

SEQUENCE: 01961113

Dept. of Justice / Federal Bureau of Prisons

Team Date: 11-27-2023

Plan is for inmate: OLSON II, ROGER HARRY 49151-177

Assignment	Description	Start
MAT PART	MED ASSIST TRMT PARTICIPANT	01-09-2023
NR COMP	NRES DRUG TMT/COMPLETE	01-07-2022

**FRP Payment Plan****Most Recent Payment Plan****FRP Assignment: COMPLT FINANC RESP-COMPLETED Start: 07-21-2018**Inmate Decision: **AGREED** \$25.00 Frequency: **SINGLE**Payments past 6 months: **\$0.00** Obligation Balance: **\$0.00****Financial Obligations**

No.	Type	Amount	Balance	Payable	Status
1	ASSMT	\$200.00	\$0.00	IMMEDIATE	COMPLETEDZ

**\*\* NO ADJUSTMENTS MADE IN LAST 6 MONTHS \*\*****FRP Deposits**Trust Fund Deposits - Past 6 months: \$2,050.00 Payments commensurate ? **Y**New Payment Plan: **\*\* No data \*\*****Current FSA Assignments**

Assignment	Description	Start
AWARD	EBRR INCENTIVE AWARD	08-01-2023
FTC ELIG	FTC-ELIGIBLE - REVIEWED	08-01-2023
N-ANGER Y	NEED - ANGER/HOSTILITY YES	11-22-2023
N-ANTISO Y	NEED - ANTSOCIAL PEERS YES	11-22-2023
N-COGNTV N	NEED - COGNITIONS NO	11-22-2023
N-DYSLEX N	NEED - DYSLEXIA NO	05-31-2021
N-EDUC N	NEED - EDUCATION NO	11-22-2023
N-FIN PV N	NEED - FINANCE/POVERTY NO	11-22-2023
N-FM/PAR N	NEED - FAMILY/PARENTING NO	11-22-2023
N-M HLTH N	NEED - MENTAL HEALTH NO	11-22-2023
N-MEDICL N	NEED - MEDICAL NO	11-22-2023
N-RLF N	NEED - REC/LEISURE/FITNESS NO	11-22-2023
N-SUB AB Y	NEED - SUBSTANCE ABUSE YES	11-22-2023
N-TRAUMA N	NEED - TRAUMA NO	11-22-2023
N-WORK N	NEED - WORK NO	11-22-2023
R-LW	LOW RISK RECIDIVISM LEVEL	11-22-2023

**Progress since last review**

Inmate Olson recently arrived at FCI Safford on October 31, 2023. At this review there is no progress to note, due to this being his initial review. Updates will be made regarding his progress at his next scheduled review.

**Next Program Review Goals**

Complete the Anger Management class. Invest in your health by starting an exercise and/or diet program; seek guidance in this area from the recreation department or the clinic, enroll and complete the Health and Wellness class. Complete both recommendations prior your next review.

**Long Term Goals**

Complete the Seeking Safety class prior to 3-2027. Enroll in the Release Orientation Program by 12-2024 and complete by 3-2027. Save 10% of your monetary intake in the pre-release savings account throughout your incarceration, for preparation for your release in 3-2027. Have your birth certificate and driver's license/photo ID mailed into your Counselor prior to 03-2027. Save 10% of your monetary intake in the pre-release savings account throughout your incarceration, for preparation for your release in 03-2027.

**RRC/HC Placement**

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**Comments**

None.

SAFDE \*  
PAGE 001 OF 001 \*INMATE EDUCATION DATA  
TRANSCRIPT\* 01-22-2024  
\* 15:18:03REGISTER NO: 49151-177 NAME...: OLSON II  
FORMAT.....: TRANSCRIPT RSP OF: SAF-SAFFORD FCI

FUNC: PRT

## ----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
SAF	ESL HAS	ENGLISH PROFICIENT	09-29-2016	1150 CURRENT
SAF	GED HAS	COMPLETED GED OR HS DIPLOMA	09-29-2016	1150 CURRENT

## ----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
SAF RDAP	JOB TRAINING/SKILLS DVLPMENT	01-18-2024	CURRENT				
SAF RDAP	LEISURE MOVIE PROGRAM	11-10-2023	CURRENT				
ATL	S-SERVSAVE MANAGER CERT	01-11-2022	06-22-2022	P	C	P	225
ATL	MONEY SMART FSA	09-27-2022	11-28-2022	P	C	P	28
ATL	CLIMATE CHANGE	11-02-2021	12-01-2021	P	C	P	10
YAM	INFECTIOUS DISEASE	12-23-2019	12-23-2019	P	C	P	1
OAK	SHU KNOW YOUR CONSUMER RIGHTS	10-23-2019	10-30-2019	P	C	P	4
OAK	SHU JOB HUNTING BY TELEPHONE	10-10-2019	10-23-2019	P	C	P	4
OAK	SHU BE CREDIT WISE CREDIT	10-03-2019	10-10-2019	P	C	P	4
OAK	NUTRITION (RPP#1)	09-18-2018	09-18-2018	P	C	P	3
OAK	FITNESS TRAINER PREP (RPP#1)	08-07-2018	09-17-2018	P	C	P	10
ATL	ACE BASIC LAW	04-24-2017	06-15-2017	P	C	P	16
ATL	SPANISH(BEGINNING)	04-24-2017	06-14-2017	P	C	P	16
ATL	FOOD SERVICE SERVE SAFE CLASS	08-08-2016	09-07-2016	P	C	P	6
ATL	RPP1 AIDS & DISEASE PREVENTION	06-29-2016	06-29-2016	P	C	P	1

G0000 TRANSACTION SUCCESSFULLY COMPLETED

SAFDE 531.01 \*  
PAGE 001 OF 001 \*INMATE HISTORY  
PT OTHER\* 01-22-2024  
\* 15:19:57REG NO.: 49151-177 NAME....: OLSON II, ROGER HARRY  
CATEGORY: PTO FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
SAF	ANG M WAIT ANGER MANAGEMENT CBT WAIT	06-02-2023 1458	CURRENT
SAF	CR TH WAIT CRIMINAL THINKING WAIT	04-06-2023 1348	CURRENT
ATL	CR TH WAIT CRIMINAL THINKING WAIT	06-02-2023 1458	07-25-2023 1348
ATL	CR TH FE CRIMINAL THINKING FAIL-EXPTEL	01-10-2023 1052	01-10-2023 1052
ATL	CR TH PART CRIMINAL THINKING PART	11-29-2022 0800	01-10-2023 1052
ATL	CR TH WAIT CRIMINAL THINKING WAIT	11-10-2021 0900	11-29-2022 0800
ATL	MON SM O C MONEY SMART OLDER POP COMP	11-28-2022 1405	11-28-2022 1405
ATL	MON SM O P MONEY SMART OLDER POP PART	09-27-2022 0930	11-28-2022 1405
ATL	MON SM O W MONEY SMART OLDER POP WAIT	06-07-2022 0831	09-27-2022 0930
ATL	TALK DOC C TALKING WITH YOUR DOCTOR COMP	03-23-2020 1750	03-28-2022 1146
ATL	TALK DOC P TALKING WITH YOUR DOCTOR PART	02-24-2022 1200	03-28-2022 1146
ATL	TALK DOC W TALKING WITH YOUR DOCTOR WAIT	02-22-2022 1200	02-24-2022 1200
ATL	BRN HLTH C BRAIN HEALTH AS YOU AGE COMP	08-28-2021 0852	01-28-2022 0852
ATL	BRN HLTH P BRAIN HEALTH AS YOU AGE PART	06-28-2021 0851	08-28-2021 0852

G0000

TRANSACTION SUCCESSFULLY COMPLETED

Register Number: 49151-177	Risk Level Inmate....: R-LW
Inmate Name	General Level.....: R-LW (31)
Last.....: OLSON II	Violent Level.....: R-LW (15)
First.....: ROGER	Security Level Inmate: LOW
Middle.....: HARRY	Security Level Facil.: LOW
Suffix.....:	Responsible Facility.: SAF
Gender.....: MALE	Start Incarceration..: 04/18/2016

**PATTERN Worksheet Details**

Item: Programs Completed, Value: 9

General Score: -9, Violent Score: -3

Risk Item Data

Category	Assignment	Start	- Stop
DRG	ED COMP	11/14/2017 08:31	
EDC	SERV SAFE	08/08/2016 13:15	08/08/2016 13:15
EDC	SPANISH I	04/24/2017 19:30	04/24/2017 19:30
EDC	BASC LAW	04/24/2017 19:32	04/24/2017 19:32
EDC	SHU CREDIT	10/03/2019 13:39	10/03/2019 13:39
EDC	SHU PHONE	10/10/2019 17:48	10/10/2019 17:48
EDC	SHU CONS	10/23/2019 17:07	10/23/2019 17:07
EDC	ACE-CLIMAT	11/02/2021 09:34	11/02/2021 09:34
EDC	MON SMART	09/27/2022 09:31	09/27/2022 09:31

Item: Work Programs, Value: 1

General Score: -1, Violent Score: -1

Risk Item Data

Category	Assignment	Start	- Stop
EDC	SERVSAFEMG	01/11/2022 08:22	01/11/2022 08:22

RECEIVED

Roger Harry Olson II #49151-177  
Federal Correctional Institution Safford  
P.O. Box 9000  
Safford, Arizona 85548

FEB - 2 2024

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

24 January, 2024

Clerk Of Court  
United States District Court  
Northern District Of Texas  
Dallas Division  
1100 Commerce Street  
Room #1452  
Dallas, Texas 75242

RE: United States Vs. Roger Harry Olson II  
3:15-CR-00029-N

Dear Clerk Of Court,

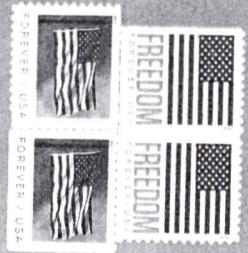
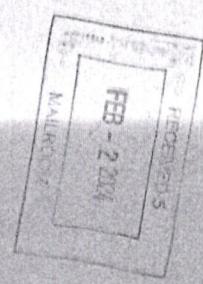
Enclosed please find my "Motion For Reduction in Sentence and Appointment Of Counsel" for filing with the Court. Also, enclosed is an extra front page for you to stamp and return for my files; self addressed stamped envelope enclosed for your convenience.

Sincerely,



Roger Harry Olson II #49151-177  
Appearing Pro Se

RECEIVED  
77-2  
49151-177  
Federal Correctional Institute  
P.O. Box 9000  
Safford, AZ 85548  
United States



51-177-2  
Clerk Of The District Court  
U.S. District Court  
Northern District of Texas  
1100 Commerce St. Rm 1452  
Dallas, TX 75242  
United States